

REMARKS

Claims 1-12 remain pending in this application. None of the claims were amended in this response. Favorable reconsideration is respectfully requested.

Claims 1-12 were rejected under 35 U.S.C. § 102(e) as being anticipated by *Bye* (US Patent 6,957,073). Applicants respectfully traverse this rejection.

Specifically, *Best* does not disclose “wireless transmitters having associated transmitter representative data and positioned for processing exposure of one or more market research participants for a market research area”, where transmitter location data is entered in the portable device “representing selected locations of the wireless transmitters relative to the market research area” as recited in claim 1, and similarly recited in claims 3 and 5.

Furthermore, *Best* does not disclose the features of “associating transmitter representative data with respective transmitter location data in the portable device to produce data that maps the locations of the wireless transmitters with the associated transmitter representative data, wherein said transmitter representative data comprises information regarding at least a part of the exposure of the one or more market research participants to one or more commercial items in the market research area” as recited in claim 1, and similarly recited in claims 3 and 5.

Regarding *Best*, the document doesn’t teach or suggest any transmitter positioning for processing participant exposure to commercial items in a market research area. Instead, *Best* merely teaches a mobile wireless communication device (100) that is configured for *virtual exploration* of information associated with a location of the device, where the device displays information associated with the location of the mobile wireless communication device determined by a location determining means, where the user virtually navigates the information associated with the location of the mobile wireless communication device based on input at the user input (140) (see Abstract). Thus, for example, under one embodiment, a mobile phone device in *Best* would generate/receive location data (col. 1, line 63-col. 2, line 25), and then receive a predetermined map for virtual exploration (i.e., without physically moving the wireless communication device – see FIG. 3; col. 4, lines 15-30; see also claims 2-5).

In an alternate embodiment, *Best* teaches that a map is first loaded into a device, and then a “location mode” manner of exploration occurs through the physical movement of the device (col. 4, lines 31-53: “upon producing the map of the area of the location of the device . . . all

exploration is relative to that location.”). However, this teaching in Best is in contrast to the present claims and teaches away from the claimed configuration. As mentioned above, the claims recite “associating transmitter representative data with respective transmitter location data in the portable device to produce data that maps the locations of the wireless transmitters with the associated transmitter representative data.” Best does not appear to conduct this type of association in the portable device, and the mapping data is communicated to the portable device from some remote area (col. 3, lines 1-3; col. 4, lines 1-14, 60-67; see, e.g., claim 12).

For at least these reasons, the Applicants submit that the rejection under 35 U.S.C. §102 is improper and should be withdrawn. An early Notice of Allowance is earnestly requested. If any fees are due in connection with this application as a whole, the Examiner is authorized to deduct such fees from deposit account no. 501214. If such a deduction is made, please indicate the attorney docket number 339198-0065 (P0123A) on the account statement.

Respectfully submitted,

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